

REMARKS

This Response is submitted in reply to the Office Action dated November 1, 2004, and in accordance with the telephone interview courteously granted by the Examiner on January 4, 2005. A Terminal Disclaimer is submitted herewith. A check in the amount of \$130.00 is submitted herewith to cover the cost of the Terminal Disclaimer. Please charge deposit account number 02-1818 for any insufficiency or credit.

The Specification is amended to reflect that the parent application, U.S. Patent Application Serial No. 09/652,312 has now issued as U.S. Patent No. 6,632,139.

The Office Action rejected Claims 1 to 76 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 to 47 of U.S. Patent No. 6,632,139 to Baerlocher et al. Applicant is hereby submitting a Terminal Disclaimer with this Response as indicated above to overcome these rejections. Accordingly, the double patenting rejections of Claims 1 to 76 should be withdrawn.

The Office Action otherwise allowed Claims 25 to 76. The Office Action also indicated allowable subject matter in Claims 3, 5 to 8 and 16 to 18.

The Office Action rejected Claims 1, 2, 4, 9 to 15 and 19 to 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,102,798 to Bennett ("*Bennett*"). As discussed during the telephone interview, Applicant respectfully disagrees with and traverses this rejection for at least the following reasons. During the interview, the Examiner withdrew this rejection.

Independent Claim 1 is directed to a gaming device including, among other elements, a terminating condition that includes a plurality of predetermined symbols, where a symbol generator is operable to simultaneously generate a plurality of the symbols, where the simultaneous generation of the symbols by the symbol generator

terminates when the terminating condition occurs including the simultaneous generation by the symbol generator of at least two of the predetermined symbols in a designated result area associated with said symbol generator.

Independent Claim 14 is directed to a method of operating a game of a gaming device. The method includes simultaneously generating a plurality of symbols, displaying the generated symbols and repeating those steps until at least two of the predetermined symbols are simultaneously generated by the symbol generator in a designated result area associated with the symbol generator, and wherein the simultaneous generation of less than the at least two predetermined symbols (i) does not cause termination of the game, (ii) does not cause part of a terminating condition including the predetermined symbols to be satisfied, and (iii) does not cause an accumulation of any of the predetermined symbols for subsequent simultaneous generations of the predetermined symbols, and terminating the game.

Bennett discloses a game that presents a matrix of selectable elements to a player. If the player selects an element, the game provides an award, if any, that is designated by the picked selection and the game is terminated (*Bennett*, Column 3, Lines 32 to 62). In another embodiment, clues are provided to assist the player in determining the probability of a particular zone being a winning zone (*Bennett*, Column 2, Lines 4 to 7). If the player fails to pick a selection within a limited time period, the game randomly picks a selection and reveals the selection to the player (*Bennett*, Column 3, Lines 32 to 62). The game continues to randomly reveal selections at a predetermined pace until the player finally makes a selection or until only one selection remains (*Bennett*, Column 3, Lines 32 to 47).

As discussed during the telephone interview, *Bennett* does not disclose a gaming device with a terminating condition that includes the simultaneous generation by the symbol generator of at least two predetermined symbols in a designated result area.

For at least these reasons, and as agreed upon during the telephone interview, Claims 1 and 14 and Claims 2 to 13 and 15 to 24 that depend from these claims,

respectively, are patentably distinguishable over *Bennett* and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and, in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned attorney.

Respectfully submitted,

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BY



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